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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,762	10/25/2000	Mark Hoffman	UPM-001.01	3125

7590 09/22/2006  
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EXAMINER

NGUYEN, NGA B

ART UNIT PAPER NUMBER

3628

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/696,762	<b>Applicant(s)</b> HOFFMAN ET AL.	
	<b>Examiner</b> Nga B. Nguyen	<b>Art Unit</b> 3628	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 11,15-18,46,49,51-54,56-72 and 74-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11,15-18,51-54,56-72 and 74-77 is/are allowed.
- 6) ☒ Claim(s) 46 and 49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is the answer to the Appeal Brief filed on April 3, 2006, which paper has been placed of record in the file.

2. Claims 74-77 have been added.

Claims 11, 15-18, 46, 49, 51-54, 56-72, and 74-77 are pending in this application.

### ***Response to Arguments/Amendment***

3. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

4. Applicant's arguments with respect to claims 11, 15-18, 46, 49, 51-54, 56-72, and 74-77 have been considered but are moot in view of new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 46 and 49 are rejected under 35 U.S.C. 102(e) as being anticipated by Wallman, U.S. Patent No. 6,601,044.

Regarding to claim 46, Wallman discloses a computer data signal embodied in a carrier wave, the computer data signal being transferred between an investment advice server and a user's client computer, the computer data signal comprising:

portfolio information associated with a user's investment portfolio (column 39, lines 47-55; portfolio characteristics database 165);

benchmark information associated with the user's investment portfolio (column 23, lines 21-40; receiving the investor's risk tolerance, financial goals, preferred risk-return characteristics, preferences for various types of securities and preferred portfolio mix, etc);

risk ranking information (figure 5; figure 13; column 38, lines 15-36; risk ranking relative to the S&P 500);

stock rating information (column 40, lines 39-50; providing to the investor the top stocks or the Dow 500 and the Fortune 500); and

instructions for a client's browser to display:

a trade station display including a mechanism operative to receive at least one trade request (column 34, lines 38-50; receiving a sell request from the investor);

a holding display operative to depict a relationship between the portfolio information and the benchmark information (column 32, line 30-column 33, line 20);

an analysis display including a current risk ranking and stock rating and a projected risk ranking, and stock rating, wherein the analysis display allows a client to compare a current portfolio's average to a projected portfolio's average after a proposed trade (figures 5, 13, items 53a, 55a-55h, 54a, 56a-56h, and column 37, line 58-column

38, line 26; risk ranking and differential return ranking; column 16, lines 37-55; column 30, lines 32-60; column 40, lines 40-50; stock rating); and

instructions for the client's browser to transmit a trade request to an investment advice server upon submission a trade request by a user (column 34, lines 38-50; receiving a sell request from the investor).

Regarding to claim 49, Wallman further discloses the carrier wave further comprises: portfolio recommendations for the user's investment portfolio; instructions for the client's browser to display a portfolio recommendations display, the portfolio recommendations based at least in part on the portfolio information and the benchmark information (column 30, lines 32-65 and column 31, lines 15-50).

### ***Allowable Subject Matter***

7. Claims 11, 15-18, 51-54, 56-72, and 74-77 are allowed over the prior arts cited record because the prior arts do not teach the feature "determining combined rankings for proposed trades of relevant securities based at least in part on risk rankings and on security forecast rankings."

### ***Conclusion***

8. Claims 11, 15-18, 51-54, 56-72, and 74-77 are allowed.

Claims 46 and 49 are rejected.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is

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(571) 272-6796. The examiner can normally be reached on Monday-Thursday from 9:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on (571) 272-6799.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-3600.

10. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

C/o Technology Center 3600

Washington, DC 20231


Or faxed to:

(703) 872-9306 (for formal communication intended for entry),

or

(571) 273-0325 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Knox building, 501 Dulany Street, Alexandria, VA, First Floor (Receptionist).

  
NGA NGUYEN  
PRIMARY EXAMINER

June 23, 2006